

## JOURNAL OF THE HOUSE.

Wednesday, July 23, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we begin each day with the intention of serving You, constituents, our families, and our communities in a faithful and conscientious manner. In Your goodness, help us to organize correctly our numerous daily agenda items and our personal responsibilities. As elected representatives of the people, each day a vast amount of data, information and constituent requests come to us. Teach us to continue to respond in a polite, fair but critical manner, so that the best interest of society and of all people are served. Teach us, alone, to be open to the insights and experiences of the people in our districts as we form our opinions and make our legislative decisions. In this era of violence on our own city streets and in many cities around the world, inspire us to protect and respect the personal dignity and the human rights of each individual which includes the youngest child and the most senior adult.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Message from the Governor -- Veto.*

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the benefits of certain court employees [see House, No. 4857, amended] (for message, see House, No. 5001) was filed in the Office of the Clerk on Tuesday, July 22.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting.

### *Statement of Representative Kujawski of Webster.*

A statement of Mr. Kujawski of Webster was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business with Governor Patrick in my district. Any roll calls that I may miss will be due entirely to the reason stated. Representative Kujawski of Webster.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Kocot of Northampton and other members of the House) concerning the health and safety of the citizens of Massachusetts and the operation and inspection of nuclear power plants, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Order.*

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The following order (filed by Mr. Pedone of Worcester) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, August 15, 2008, the time within which to make its final report on current House documents numbered 4762, 4867, 4877 and 4939 relating to home rule petitions and vacant lots.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

### *Papers from the Senate.*

The House Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (House, No. 4742) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

Under suspension of Rule 35, on motion of Mr. Nyman of Hanover, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

Under suspension of Rule 35, on motion of Mr. Verga of Gloucester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill establishing a board of registration in naturopathy (Senate, No. 2820) (on Senate bill No. 1321), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

#### Bills

Authorizing the town of Harvard to place a certain question relative to property tax exemptions for affordable accessory apartments on the town's election ballot (Senate, No. 2233) (on a part of Senate order No. 2631) [Local Approval Received];

Authorizing a certain transfer of funds in the town of Kingston (Senate, No. 2690) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of John A. Lepper that inaccurate quotes relative to the cost of premiums shall constitute unfair or deceptive acts in the insurance business. Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House

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documents concerning public safety and other related matters (House, No. 4681) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2332) of Kay Khan and Stephen M. Brewer relative to reporting of impaired drivers by health care providers,- - and recommending that the same be recommitted to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning various tax formulas (House, No. 4964) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 4842) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hull be authorized to incorporate into its local tax bills a check-off or donation form for support of the veterans council assistance fund of said town; and

Of the petition (accompanied by bill, House, No. 4849) of David L. Flynn and Mark R. Pacheco for legislation to establish a development revolving fund in the town of Raynham;

And recommending that the same severally be recommitted to the committee on Revenue.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the Bureau of Forest Fire Control (House, No. 2370, changed) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on House, No. 4476, a Bill improving certain criminal justice matters (House, No. 5004) [Senator Tarr dissenting]. Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill further regulating the installation of automatic sprinkler systems (House, No. 2284, changed) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4969). Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2158);

Amending the charter for the town of Sandwich (Senate, No. 2680); and

Authorizing the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 2691); and

House bills

Relative to the town of Westwood to grant a license for the sale of wine and malt beverages at a food store, not to be drunk on the premises (House, No. 4832);

Authorizing the mayor of the city of Revere to appoint an additional eight members to the reserve force of firemen of the city of Revere fire department (House, No. 4838);

Exempting Richard Corcoran and Kazimierz R. Piorkowski, Jr. from the maximum age requirement for appointment as a firefighter in the town of Westwood (House, No. 4839);

Authorizing certain persons to take the civil service examination for appointment as a firefighter in the town of Arlington notwithstanding age (House, No. 4871);

Authorizing certain persons to take the civil service examination for appointment as a police officer in the town of Arlington notwithstanding age (House, No. 4872);

Authorizing the town of Danvers to issue one additional liquor license for the sale of wine and malt beverages (House, No. 4875);

Validating the actions taken at a certain special town meeting in the town of Hopkinton (printed in House, No. 4888);

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Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner and Lis M. Malcom, manager of Jevon Enterprises, 116 Sconticut Neck Road in the town of Fairhaven (House, No. 4898);

Relative to identity theft (House, No. 4930);

To authorize the appointment of alternate members of the town of Canton historical commission (House, No. 4931);

Relative to all alcoholic beverages licenses in the town of Arlington (House, No. 4936);

Authorizing the town of Northborough to grant additional alcoholic beverages license (House, No. 4937); and

Relative to Charlestown's designated port area (House, No. 4992);

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Honan of Boston, for the committee on Housing, that the Bill relative to district improvement financing (printed as Senate, No. 131) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5003). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill authorizing affordable housing covenants in the town of Arlington (House, No. 4938) [Local Approval Received].

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the town of Sandwich and the lease of property at the Sandwich High School (House, No. 4942) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill to remove the department of finance in the town of Upton (House, No. 4976) [Local Approval Received].

By Mr. Scaccia of Boston, for the committee on Rules, on House No. 4749, reported, in part, a Bill relative to the notification of mammographic examinations (House, No. 2188).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Reconsideration.*

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill relative to the rental of pets (House, No. 4893); and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved to amend it by substitution of a bill with the same title (House, No. 5006), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

### *Orders of the Day.*

#### Senate bills

Authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (Senate, No. 1188);

Establishing a special fund in the town of Brimfield (Senate, No. 2328, changed); and

Authorizing a change of use of certain land in the town of Leicester (Senate, No. 2689);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

#### House bills

Relative to public records (House, No. 3225);

Designating a certain bridge in the town of Falmouth as the Raleigh D. Costa Memorial Bridge (House, No. 4435) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the historic districts commission of the town of Concord (House, No. 4542, changed); and

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Relative to the post retirement liability fund in the town of Needham (House, No. 4826);  
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.  
concerning marriage laws (Senate, No. 800); and  
House bills  
Relative to gender neutral language in the Massachusetts General Laws (House, No. 1298);  
Authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham (House, No. 4837);  
Designating a certain bridge in the city of Worcester as the State Trooper Paul F. Barry Bridge Memorial Bridge (House, No. 4869); and  
Establishing a sick leave bank for Timothy M. Larkin, an employee of the Information Technology Division (House, No. 4955);  
Severally were read a second time; and they were ordered to a third reading.

### *Emergency Measure.*

The engrossed Bill establishing a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission (see Senate, No. 2730, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

### *Engrossed Bills.*

Engrossed bills  
Increasing coverage of nonprescription enteral formulas (see House, No. 925); and  
Increasing the number of licenses for the sale of wines and malt beverages in the city of Medford (see House, No. 4697, amended);  
(Which severally originated in the House);  
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

### *Recess.*

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

### *Reports of Committees.*

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill relative to district courts (House, No. 4954), which was read.

Under suspension of Rule 33, on motion of Mr. Costello of Newburyport, the bill was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, Scheduling, that the following House bills be scheduled for consideration by the House:

Relative to employees of the town of Westborough (House, No. 4873);

Authorizing the town of Westborough to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 4874);

Relative to the charter of the town of Westborough (House, No. 4878);

Relative to the town manager in the town of Westborough (House, No. 4944);

Under suspension of Rule 7A, in each instance, on motion of Mr. Peterson of Grafton, the bills were read a second time forthwith; and they were ordered to a third reading.

A report of the committee on Telecommunications, Utilities and Energy, that the House Bill regulating liquefied natural gas tanker import terminals (House, No. 2383) ought NOT to pass (under Joint Rule 10) was considered forthwith, under suspension of the rules, on motion of Mr. Sullivan of Fall River.

Pending the question: "Shall this bill be rejected?", further consideration thereof was postponed, on further motion of the same member, until one o'clock P.M.

Subsequently, the noon recess having terminated, the question on rejection was further considered; and it was negatived. Under House Rule 32, the bill then was placed in the Orders of the Day for the next sitting for a second reading.

### *Recess.*

At five minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past five o'clock; and at ten minutes before six o'clock the House was called to order with Mr. Donato of Medford in the Chair.

### *Engrossed Bill -- Land Taking.*

The engrossed Bill authorizing the town of Provincetown to grant a certain easement (see House, No. 4015, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

#### **[See Yea and Nay No. 438 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

### *Emergency Measure.*

The engrossed Bill relative to clean energy biofuels (see House, No. 4951), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

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On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 439 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill providing for a certain exemption from the sales tax (see House, No. 4995, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Walsh of Boston; and on the roll call 140 members voted in the affirmative and 15 in the negative.

**[See Yea and Nay No. 440 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

### *Orders of the Day.*

The House Bill relative to savings bank life insurance (House, No. 949), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Balser of Newton moved to amend it by striking out all after the enacting clause and inserting place thereof the following:

“SECTION 1. Chapter 175 of the General Laws is hereby amended by striking out section 24A, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 24A. (a) As used in this section, the following words shall have the following meanings unless the context otherwise requires:

‘Insurer’, any company as defined in section 1; any fraternal benefits society as defined in section 1 of chapter 176 of the General Laws; any hospital service corporation as defined in section 1 of chapter 176A of the General Laws; any medical service plan as defined in section 1 of chapter 176B of the General Laws; any non-profit medical service plan as defined in section 1 of chapter 176C of the General Laws; any dental service corporation as defined in section 1 of Chapter 176E of the General Laws; any optometric service corporation as defined in section 1 of chapter 176F of the General Laws; any health maintenance organization as defined in section 1 of chapter 176G of the General Laws; any insured legal services plan as defined in section 1 of chapter 176H of the General Laws; and, any savings and insurance bank as defined in section 1 of chapter 178A of the General Laws.

‘Policy’, any insurance contract, policy or plan.

‘Joined insurance/savings plan’, any policy explicitly comprising a separate investment or savings component or mortality or morbidity component.

‘Renewed by agreement’, an existing policy under which the premiums are subject to change, either by the insurer or by the insured, by an amount not predetermined by the policy, whether or not the change provides an opportunity for the insurer to refuse to continue coverage; provided, however, that any joined insurance savings plan shall be considered to ‘renewed by agreement’ when the schedule of charges for the mortality or morbidity component of the plan changes, whether or not overall premium for the joined insurance savings plan changes.

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As used in this section, sex includes, but is not limited to, conditions unique to one sex, such as pregnancy.

(b)(1) Notwithstanding the provisions of section 120 of this chapter, or subsection 7 of section 3 of chapter 176D of the General Laws, or any other general or special law to the contrary, no policy subject to this section shall be based on or use any table, whether for mortality, life expectancy, morbidity, liability, disability, termination or losses, or any other statistical compilation as a basis for any action which classified residents of the commonwealth into separate classes on the basis of race, color, religion, sex, marital status, or national origin.

(b)(1) Notwithstanding the provisions of section 120 of this chapter, or subsection 7 of section 3 of chapter 176D of the General Laws, or any other general or special law to the contrary, no policy subject to this section shall, on the basis of race, color, religion, sex, marital status, or national origin, treat any covered person or applicant for coverage, who is a resident of the commonwealth differently than it treats any other such person, with respect to the availability, term, conditions, rates, benefits or requirements of any such policy delivered or issued for delivery within or without the commonwealth which covers one or more residents of the commonwealth.

(c)(1) This section shall apply to any policy offered by an insurer which covers one or more residents of the commonwealth and which is delivered or issued for delivery or renewed by agreement within or without the commonwealth on or after June 1, 2002.

(2) This section shall apply to all changes made on or after June 1, 2002 by an insurer in payments, in the amount of insurance coverage, in premiums or in benefits under the existing insurance policies, the dollar amount of which is not calculable from the terms of the original insurance policy.

(3) Nothing in this section shall be construed to prohibit the use of any blended table approved pursuant to 211 CMR 32.00.

(4) Nothing in this section shall be construed to prohibit an insurer from issuing a family policy.

(5) Nothing in this section shall be deemed to prevent an insurer which regularly provides an insurance coverage solely to persons of a single religious affiliation from continuing to provide insurance coverage solely to persons of such religious affiliation.

(6) This section shall not apply to any retirement benefits derived from contributions made prior to July 6, 1983 to plans governed by Title VII of the Civil Rights Act of 1964.

SECTION 2. Paragraph (c) of subdivision 6 of section 144 of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- To the extent computations made pursuant to this subdivision would violate section 24A, computations shall be made on the basis of mortality tables referred to in subparagraph (6) of paragraph (h) of subdivision 6A.

SECTION 3. Said section 144 of said chapter 175, as so appearing, is hereby amended by striking out in lines 278 and 279, the words 'Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners' and inserting in place thereof the following words:- Other mortality tables to be used for the purpose of implementing section 24A.'.

After debate on the question on adoption of the amendment, the the sense of the House was taken by yeas and nays, at the request of Ms. Balser; and on the roll call 56 members voted in the affirmative and 97 in the negative.

**[See Yea and Nay No. 441 in Supplement.]**

Therefore the amendment was rejected.

Representatives Balser of Newton and Wolf of Cambridge then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"Section 7 of chapter 178A, as so appearing, is hereby amended by striking out the fourth paragraph, and inserting in place thereof the following:-

No company policy subject to this section shall, on the basis of gender, treat any covered person or applicant for coverage, who is a resident of the Commonwealth, differently than it treats any other such person, with respect to availability, term conditions, rates, benefits or requirements of any such policy delivered or issued for delivery within or without the Commonwealth, which covers one or more residents of the Commonwealth.'.

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After debate the amendment was rejected.

After debate on the question on passing the bill to be engrossed, the the sense of the House was taken by yeas and nays, at the request of Ms. Balser; and on the roll call 96 members voted in the affirmative and 57 in the negative.

**[See Yea and Nay No. 442 in Supplement.]**

Therefore the bill (House, No. 949) was passed to be engrossed. Sent to the Senate for concurrence.

### *Engrossed Bills -- Land Takings.*

The engrossed Bill authorizing the city of Quincy to convey certain land (see Senate, No. 2724) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 443 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Walpole to release a certain restriction. (see House, No. 4902, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 444 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

### *Orders of the Day.*

The Senate Bill relative to equitable coverage for annuity policies (Senate, No. 2729) was read a second time.

There being no objection, on motion of Mr. DeLeo of Winthrop, the amendment previously recommended by the committee on Ways and Means,- -that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in a duplicate House, No. 901, changed,- -was withdrawn.

The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Balser of Newton, the bill having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 115 members voted in the affirmative and 37 in the negative.

**[See Yea and Nay No. 445 in Supplement.]**

Therefore the bill (Senate, No. 2729) was passed to be engrossed, in concurrence.

Subsequently a statement of Mr. Murphy of Lowell was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

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The House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 4990), having been reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Greene of Billerica moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided further, that not less than \$500,000 shall be expended for the planning, design, construction permitting, and oversight of a boat ramp and associated parking and access road ways on the Concord River in Billerica”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further, that not less than \$200,000 shall be expended for the acquisition and restoration of a parcel on the Concord River in the Town of Billerica”. The amendment was adopted.

Mr. Scibak of South Hadley then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not more than \$2,000,000 be expended for the construction and associated costs of a town wading pool at Buttery Brook Park in South Hadley in consideration of the Department of Conservation and Recreation’s demolition of the state pool formerly located in the park”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$200,000 shall be expended for parking and access improvements to the Mount Tom Reservation from newly acquired land on East Street in the City of Easthampton”. The amendment was adopted.

Mr. Scibak then moved to amend the bill in section 2A by adding at the end of item 2800-7015 the following: “; provided further, that not less than \$300,000 be expended for access improvements and sediment control activities at White Brook and Broad Brook in Easthampton”. The amendment was adopted.

Ms. Stanley of West Newbury the moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that no less than \$270,000 shall be expended to permanently close to vehicular traffic a section of River Road in the town of Merrimac and assist in the creation of pedestrian and bicycle trails in said road section”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7097 the following: “; provided further, that the sum of \$100,000 be made available to the town of Newbury for either the direct acquisition, or to facilitate the intragovernmental transfer of, a Lighter, Amphibious, Resupply, Cargo (LARC LX) used to transport personnel, equipment, and materials in the beachfront area of Plum Island”. The amendment was adopted.

Mr. Atsalis of Barnstable then moved to amend the bill in section 2A by adding at the end of item 2000-7018 the following: “; provided further, that not less than \$3,000,000 shall be expended to the Town of Barnstable for a matching grant to purchase a parcel of land referred to as Freezer Point in Barnstable Harbor.” The amendment was adopted.

Mr. Peterson of Grafton then moved to amend the bill by adding the following section:

“SECTION 17. Section 44 of chapter 85 of the Acts of 1994, as most recently amended by section 19 of chapter 236 of the Acts of 2002, is hereby further amended by inserting after the word ‘reservation’, in line 45, the following words:- , CCC Camp in Upton state forest.”.

The amendment was adopted.

Mr. Scibak of South Hadley then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that \$650,000 shall be expended for the construction of a boardwalk and access improvements to Nashawannuck Pond in Easthampton”. The amendment was adopted.

Mr. Smizik of Brookline then moved to amend the bill in section 2A by striking out item 2200-7015 and inserting in place thereof the following item:

“2200-7015      For the assessment, containment, cleanup, control, removal of or response actions concerning oil or hazardous materials or for any other actions necessary to implement Chapter 21E of the General

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Laws, or the regulations promulgated thereunder, the Massachusetts Contingency Plan; provided, that not less than \$12,000,000 shall be expended for the remediation of soil contamination on residential properties located on streets adjacent to or in proximity to the former landfill site in Brookline ..... \$44,000,000”.

The amendment was adopted.

Mr. Turkington of Falmouth then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$925,000 shall be expended on the design, renovation and reconstruction of the Surf Drive Bath House and the Old Silver Beach Bath House in the Town of Falmouth”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7018 the following: “; provided further, that not less than \$500,000 shall be expended on beach nourishment for Chapoquoit Beach and Woodneck Beach, and Menauhant Beach in the Town of Falmouth.” The amendment was adopted.

Mr. Turkington then moved to amend the bill in section 2A, in item 2500-7013, in line 20, by inserting after the word “College” the words “, Southeastern Massachusetts aquaculture center by Barnstable County”. The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill by adding the following section:

“SECTION 18. Paragraph (1) of subsection (c) of section 21 of chapter 7 of the General Laws, as appearing in section 7 of chapter 169 of the acts of 2008, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) to reimburse a municipality in which the property tax receipts, including, for the purposes of this clause, payments in lieu of taxes and other compensation specified in an agreement between a municipality and an affected property owner, are reduced as a result of the mandates of RGGI or the regulation of carbon dioxide emissions from electric generating stations; provided, however, that the amount of the payment shall be the difference between the amount of the tax receipts in the current tax year and the amount of the tax receipts in the year before implementation of RGGI; provided, further, that no reimbursement shall be made if, in a tax year, the aggregate amount paid to a municipality by the owner of an electric generating station including, but not limited to, payments in lieu of taxes and property taxes, exceeds the aggregate amount paid to that municipality by that owner in the year before implementation of RGGI; and provided, further, that payments from the fund shall be prioritized so that the first payments from the fund shall be made to municipalities under this clause.”.

The amendment was adopted.

Mr. Bosley of North Adams then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$600,000 shall be expended for the study, preliminary design, site preparation and associated costs of the Greylock Glen environmental center and outdoor amphitheater in the town of Adams”; and in said item by striking out the figures “\$220,700,000” and inserting in place thereof the figures “\$221,300,000”. The amendments were adopted.

Mr. Linsky of Natick then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided that not less than \$500,000 be expended for improvements to Sargent Field in Natick”; and in said item by striking out the figures “75,000,000” and inserting in place thereof the figures “75,500,000.” The amendments were adopted.

The same member then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided that not less than \$100,000 be expended for improvements at Coolidge Field in Natick”; and in said item by striking out the figures “75,500,000” (inserted by amendment) and inserting in place thereof the figures “75,100,000”. The amendments were adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 2A by adding at the end of item 2500-7013 the following: “; provided further not less than \$100,000 shall be expended for the continued operation of the shellfish propagation program in Westport”. The amendment was adopted.

Mr. Pignatelli of Lenox then moved to amend the bill by inserting after section 9 the following section:

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“SECTION 9A: Notwithstanding any general or special law, rule or regulation to the contrary, swimming shall be allowed on Spectacle Pond in the Town of Sandisfield.”.

The amendment was adopted.

Mr. Hynes of Marshfield then moved to amend the bill in section 2A, by inserting after item 2800-7097 the following item:

“2800-7098           For dredging projects in the Commonwealth’s coastal harbors and waterways, including those projects requiring a state or local match to partner with federally authorized projects .....\$5,000,000”.

The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; and provided further, that not less than \$750,000 shall be expended on the design and construction of boat ramps, slips, moorings, and associated upland facilities at the Scituate marine park in the town of Scituate”. The amendment was adopted.

Mr. Hynes then moved to amend the bill in section 2B, in item 2890-7010, after the words “Nantasket Beach seawall in the town of Hull; provided further, that not less than”, by striking out the figured “\$2,000,000” and inserting in place thereof the figures “\$3,000,000”. The amendment was adopted.

Mr. Patrick of Falmouth and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2200-7011 the following: “; and provided further that not less than \$500,000 shall be expended for each of the next three years for the operation of an alternative sewage treatment demonstration project, to be managed by the Department of Environmental Protection in consultation with the Barnstable County Health Department, evaluating the potential for the use of urine diverting toilets and composting toilets as a means of cost effectively reducing nitrogen loading”. The amendment was adopted.

Mr. Patrick then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that not less than \$5,000,000 be expended for land appropriation in the Waquoit Bay recharge area by the Department of Conservation and Recreation”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further that not less than \$600,000 be expended for the Town of Falmouth to meet the cost of the contract and construction services for the 1.5 megawatt wind turbine at their wastewater treatment facility”. The amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$40,000 be expended for the construction and maintenance of trails in the Town of Bourne”. The amendment was adopted.

Ms. Grant of Beverly then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$85,000 be expended for the installation of an universally accessible Boundless Playground(tm) in the city of Beverly”. The amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill by adding the following three sections:

“SECTION 19. Section 6 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words ‘fifteen per cent’, in line 21, and inserting in place thereof the following:- 50 per cent.

SECTION 20. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out the words ‘one thousand dollars’, in line 22, and inserting in place thereof the figure:- \$5,000.

SECTION 21. Said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting after line 52 the following clause:-

(iii) an energy bill summary for the previous 12 months from the utility or energy company, or actual bills, before the installation of the system and a 12 month summary of bills after the installation of the system, or bills, from the utility or energy company must be submitted as proof of a reduction in energy usage directly attributable to the new system with the tax credit form to qualify for the credit.”.

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After remarks the amendment was rejected.

Mr. Fallon of Malden then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided further that not less than 1.5 million be expended from the monitoring, cleaning, maintenance, mitigation and dredging for the Fellsmere Pond in the City of Malden”. The amendment was adopted.

Mr. Wallace of Boston then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that \$2,500,000 shall be expended for a grant to the Boston Children’s Museum for renovation of the public open space and interactive park known as Children’s Wharf Landing in the City of Boston”; and in said item by striking out the figures “55,000,000” and inserting in place thereof the figures “57,500,000.” The amendments were adopted.

Mr. Walsh of Boston then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$3 Million shall be expended for the design and construction of DCR park land in the Port Norfolk section of Dorchester in the City of Boston”. The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 19. Notwithstanding any general or special law to the contrary, a private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify individuals employed on the project and shall comply with all laws concerning workers’ compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to all such employees. All construction contractors engaged by an entity on any such project shall furnish documentation to the appointing authority showing that all employees employed on the project have hospitalization and medical benefits that meet the minimum requirements of the connector board established in chapter 176Q of the General Laws.”.

The amendment was adopted.

Ms. Gobi of Spencer then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further that not less than 800,000 shall be expended for the construction of a Water Tower to be located at the Templeton Developmental Center”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further than not less than 800,000 shall be expended for repairs to the Historic Covered Bridge in the Town of Hardwick”. The amendment was adopted.

Ms. Gobi then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than 75,000 shall be expended for improvements and pond and beach reclaiming at Howe State Park”. The amendment was adopted.

Ms. Gobi of Spencer then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further that not less then 50,000 shall be expended for developing the Quaboag River Trail”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$50,000 shall be expended for renovations and upgrades to public parks in the Town of Spencer”. The amendment was adopted.

Mr. Welch of West Springfield then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following “; provided further that not less than \$500,000 be expended for maintenance of the Dike System in the city of West Springfield”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$300,000 be expended for improvements to Mittineague Park in the city of West Springfield”. The amendment was adopted.

Mr. Welch then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$300,000 be expended for improvements to the Bear Hole Watershed in the city of West Springfield”. The amendment was adopted.

Mr. Pedone of Worcester then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that \$500,000 to be used for a matching grant for the

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restoration of the Holmes Field Park Pool and Recreation area in the city of Worcester”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7013 the following: “; provided further, that \$500,000 to be used as a matching grant for the preservation of open space at Crow Hill in the city of Worcester”. The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A, in item 2800-7016 by striking out the following: “; provided further, that not less than \$40,000 shall be expended for the rebuilding of the Joppa Flats Boat Launch in the city of Newburyport”; and in said section by adding at the end of item 2300-7016 the following: “; provided further, that not less than \$40,000 shall be expended for the rebuilding of the Joppa Flats Boat Launch in the city of Newburyport”. The amendments were adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2200-7012 the following: “; provided further that not less than \$1,000,000 shall be expended for air quality monitoring and odor mitigation of the Crow Lane Landfill in the City of Newburyport”. The amendment was adopted.

Mr. Costello then moved to amend the bill in section 2A by adding at the end of item 2800-7097 the following: “; provided further that not less than \$1,000,000 shall be expended for jetty repairs, dredging work and associated improvements to the Merrimack River”. The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A by adding at the end of item 1100-2500 the following: “; provided further that not less than \$1,400,000 shall be expended to further the economic development of the Port of Newburyport and may include, but shall not be limited to commercial fishing improvements, marine transportation improvements, marine educational facilities, a fresh produce and fish market, and other improvements related to tourism, public recreation and other economic development within Newburyport”. The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A, in item 2800-7016 by striking out the following: “; provided further, that not less than \$400,000 shall be expended for a fish pier at Deer Island Park in the town of Amesbury”; and in said section by adding at the end of item 2300-7016 the following: “; provided further, that not less than \$400,000 shall be expended for a sport fishing pier and shore fish area at Deer Island Park in the town of Amesbury.” The amendments were adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$500,000 shall be expended for improvements to the Winnekenni Castle Park in the city of Haverhill”. The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill in section 2A by adding at the end of item 2800-7015 the following: “; provided further that not less than \$250,000 be expended on the Eel Pond restoration project in the town of Mattapoisett”. The amendment was adopted.

Mr. Koczera of New Bedford and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$500,000 shall be expended for the construction of a visitors and education center in the Freetown state forest located in the town of Freetown”. The amendment was adopted.

Mr. Kulik of Worthington then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further that not less than \$150,000 shall be expended to the town of Shutesbury for repairs to the dam at Lake Wyola”. The amendment was adopted.

Ms. Peake of Provincetown and other members of the House then moved to amend the bill by inserting after section 13 the following two sections:

“SECTION 13A. Chapter 83 of the General Laws is hereby amended by adding the following new sections:-

Section 1A. Notwithstanding the provisions of sections 1 and 3 of chapter 83 of the General Laws to the contrary, any municipality or sewer district adopting this section is hereby authorized to lay out, construct, maintain and operate a system or systems of common sewers and main drains in public or private ways for that part of its territory as it adjudges necessary to reduce or eliminate the impacts of

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nutrient enrichment on surface water bodies or sources of drinking water with such connections and other works as may be required for a system or systems of sewerage and drainage, and sewage treatment and disposal. Adoption of this section is subject to majority vote of the municipality and subject further to said municipality having an approved Comprehensive Water Resources Management Plan (CWMP), as defined by the Department of Environmental Protection (DEP).

Section 1B. At the commencement of operation of the municipalities' sewer system authorized by section 1A of chapter 83 of the General Laws, the owner of land abutting upon a private or public way in which a common sewer has been laid shall be required by the board or officer having charge of the maintenance and repair of sewers to connect such land with a common sewer only if the land in question is within the area(s) identified in the DEP approved CWMP and has been specifically identified in the plan as requiring wastewater collection and treatment for flows in existence on said properties at the time of adoption of this act in order to protect surface waters or drinking water resources from the effects of nutrient enrichment; or the on-site subsurface sewage disposal system serving said land fails to comply with the provisions of 310 CMR 15.000, et seq. and an on-site subsurface sewage disposal system cannot be constructed on the property in compliance with said regulations and an enhanced treatment system under remedial use cannot be designed and constructed to adequately treat sewage from said property; or to service housing of which at least 15 per cent of the housing units are deed restricted to residents with incomes no greater than 80 per cent of the area median income paying no more than 30 per cent of their income towards housing. The town shall not allow an abutting property owner utilizing an enhanced treatment system under remedial use to opt out of connecting to the sewer system unless the town implements a monitoring and inspection plan approved by the department of environmental protection for such remedial system or systems. Such plan may include the assessment of a reasonable fee by the board of health to implement the monitoring and inspection plan.

Notwithstanding any provision of sections 1 and 3 of Chapter 83 to the contrary, owners of land not identified in the CWMP as needing to be connected to the municipal treatment works shall not be permitted to connect to the sewer system. Said plan may be amended from time to time by the board or officer having charge of sewers, after a public hearing conducted to consider such amendment, and upon approval of the department of environmental protection. The board or officer having charge of sewers shall adopt regulations within 120 days after the adoption of this act establishing publication and notification procedures to carry out the purposes of this section.

Section 1C. After commencement of operations of the sewer system authorized pursuant to section 1A of chapter 83 of the General Laws, additional connections shall be permitted within the final area of concern by such board or officer having charge of the maintenance and repair of sewers, subject to available capacity, only upon certification by the board of health that the on-site subsurface sewage disposal system on land abutting upon a private or public way in which a common sewer has been laid cannot comply with the provisions of 310 CMR 15.000, et seq., or in the case of new construction, expansion of an existing structure, a change in use, or increases in flow from said land, such expansion, change in use, or increase in flow does not result in sewage flow in excess of the amount of said regulations flow capacity or actual flow resulting from a legal use of said land, whichever is greater, which existed on the date of adoption of this act as determined by the board of health. Notwithstanding anything to the contrary contained herein, the board or officer having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings, public restrooms, or other public service uses, including but not limited to housing of which at least 15 per cent of the housing units are deed restricted to residents with incomes no greater than 80 per cent of the area median income paying no more than 30 per cent of their income towards housing.

Section 1D. Notwithstanding the provisions of chapters 80 and 83 of the General Laws to the contrary, a municipality acting under section 1A of Chapter 83 may make assessments upon owners of land abutting upon a private or public way in which a common sewer has been laid only at the time of actual connection to the common sewer. Nothing herein shall preclude the town from making estimated sewer assessments pursuant to section 15B of said chapter 83. The municipality may make equitable

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adjustments to the annual charges established pursuant to section 16 of said chapter 83 for the use of common sewers by owners of land who connect under this act for the purpose of insuring an equitable distribution of the total sewer system costs, including assessments and sewer use charges.

Section 1E. Every decision by the board or officer having charge of sewers permitting or denying a connection to the sewer system pursuant to sections 1A-1D of chapter 83 of the General Laws shall be made in writing. Any person aggrieved by such a decision may appeal said decision within 30 days of issuance pursuant to the provisions of section 14 of chapter 30A.

Section 1F. In carrying out the provisions of sections 1A-1E of chapter 83 of the General Laws, a municipality shall not discriminate against any person on the grounds of race, color, marital status, physical disability, age, sex, sexual orientation, religion, ancestry or national origin in any manner prohibited by the laws of the United States, the commonwealth.

Section 1G. Notwithstanding the provisions of any general or special law to the contrary, a municipality with a Comprehensive Water Resources Management Plan under review or approved by the Department of Environmental Protection is hereby authorized to establish and maintain a separate account into which it may collect and deposit and expend funds from property owners for the difference in cost between a conventional subsurface wastewater disposal system as required in 310 CMR 15.00, et seq, and the cost of a subsurface wastewater disposal system designed to reduce the nitrogen discharge from said system as long as the property in question is identified in the CWMP as being a priority for the installation of a wastewater collection and treatment system for the purposes of reducing the impacts of excessive nitrogen on marine waters and drinking water supplies. Funds from this account may be used only for the purpose of the construction, maintenance and operation of said wastewater treatment and collection works and shall be applied to toward the costs of connection and or betterment assessed to the property(s) in question.

Section 1H. Notwithstanding the provisions of Chapter 44, section 7, a municipality or sewer district adopting the provisions of Section 1A is authorized to borrow and assess betterments for a term not to exceed 50 years or the useful life as approved by the Department of Environmental Protection, whichever is shorter, for the construction its wastewater treatment systems and conveyances determined; and provided further that short term borrowing may extend for a period not to exceed 5 years.

SECTION 13B. Section 6 of chapter 29C of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the words '2 per cent', in line 34, the following words:- , but all permanent loans and other forms of financial assistance made by the trust to finance the costs of certain water pollution abatement projects on the department's intended use plan for calendar year 2009 and any subsequent calendar year up to and including 2019, that meet the criteria listed below shall provide for a subsidy or other assistance in the payment of debt service such that the loans and other forms of financial assistance shall be the financial equivalent of a loan made at a zero rate of interest, and the costs of water pollution abatement projects on an intended use plan that are eligible for a permanent loan or other financial assistance from the trust at the financial equivalent of a loan made at a zero rate of interest shall not exceed 35 per cent of the total costs of all water pollution abatement projects on the intended use plan. Projects that meet the following criteria, as verified by the Department of Environmental Protection, are eligible for the zero rate of interest loans:

1. The project is primarily intended to remediate or prevent nutrient enrichment of a surface water body or a source of water supply;
2. The applicant is not currently subject, due a violation of a nutrient-related Total Maximum Daily Load standard or other nutrient based standard, to a Department of Environmental Protection enforcement order, Administrative Consent Order or Unilateral Administrative Order, enforcement action by the United States Environmental Protection Agency or subject to a state or federal court order relative to the proposed project;
3. The applicant has a Comprehensive Wastewater Management Plan approved pursuant to regulations adopted by the Department of Environmental Protection.
4. The project has been deemed consistent with the regional water resources management plans if one exists.

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5. The applicant has adopted land use controls, subject to the review and approval of the Department of Environmental Protection in consultation with the Department of Housing and Economic Development and, where applicable any regional land use regulatory entity, intended to limit wastewater flows to the amount authorized under zoning and wastewater regulations as of the date of the approval of the CWMP.”.

The amendment was adopted.

Mr. Kafka of Stoughton then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$500,000 shall be expended for repairs to the Manns Pond Dam in the Town of Sharon”; and in said item by striking out the figures “\$31,500,000” and inserting in place thereof the figures “\$32,000,000”. The amendments were adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$1,000,000 shall be expended for the conversion of the landfill on Mountain Street in the Town of Sharon to athletic fields”; and in said item by striking out the figures “\$221,300,000” (inserted by amendment) and inserting in place thereof the figures “\$222,200,000”. The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 2A, in item 0526-2010, by striking out the following: “; provided further, not less than \$10 million shall be expended in cities with more than 40,000 inhabitants where: (1) the unemployment rate is at least 1.5 per cent higher than the statewide average; or (2) the median income of the city is 80% or less of the state median income; provided, however, that not less than \$5 million shall be expended on projects in cities in which both criteria are applicable”. The amendment was adopted.

Ms. Garry of Dracut then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided further that not less than \$1,000,000 shall be expended for renovating the existing state boat ramp and parking lot at Lake Mascuppic in the Town of Dracut”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that not less than \$500,000 be expended for repair of the dam at Flint Pond in the Town of Tyngsborough”. The amendment was adopted.

Mr. Calter of Kingston then moved to amend the bill in section 2A by adding at the end of item 2300-7015 the following: “; provided further that not less than \$75,000 be allocated for a feasibility study at Forge Pond Dam in Kingston”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further, that the amount of not less than \$250,000 be allocated for the continued development of the Jones River Landing Environmental Heritage Center in Kingston to promote ecosystem restoration and green energy solutions in the community”. The amendment was adopted.

Mr. Calter then moved to amend the bill in section 2A by adding at the end of item number 2300-7016, by adding the following: “; provided further that not less than \$75,000 be expended for the repair and reconstruction of an access ramp and dock at the Jones River Landing Environmental Heritage Center in Kingston”; and in said item by striking out the figures “\$7,300,000” and inserting in place thereof the figures “\$7,375,000”. The amendments were adopted.

Messrs. Calter of Kingston and Webster of Hanson then moved to amend the bill in section 2A by adding at the end of item 2300-7013 the following: “; provided further that not less than \$20,000 be allocated for phosphorus management and algae reduction in West Monponsett Pond in Halifax”. The amendment was adopted.

Mr. Calter and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2000-7022 the following: “; provided further that not less than \$15,000 be expended for a Licensed Site Professional/Risk Assessment Consultant for oversight of the Rockland Industries remediation project in Middleboro”. The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further, that not less than \$1,000,000 shall be expended for a

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feasibility study and the construction of a wind turbine to be located in the Town of Weymouth”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7015 the following: “; provided further, that no less than \$5,000,000 shall be expended for the creation and maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham”. The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that no less than \$2,000,000 shall be expended for the maintenance and facility care of the Connell Rink and Pool located in the Town of Weymouth”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$5,000,000 shall be expended for the re-development, construction and maintenance of the Legion Field in the Town of Weymouth”. The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further, that not less than \$1,000,000 shall be expended for the costs associated with the construction, renovation and maintenance of a Water Treatment Plant in the Town of Weymouth”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7022 the following: “; provided further, that not less than \$750,000 shall be expended to provide long term maintenance, preservation, and protection of Whitman’s Pond in the Town of Weymouth”. The amendment was adopted.

Mr. Swan of Springfield then moved that the bill be amended in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$650,000 shall be expended for improvements, expansion and rehabilitation of the State swimming pool in Blunt Park in Springfield”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$100,000 shall be expended for a grant to Springfield for renovations and upgrading to the following parks; Alford Park, Stafford Park, Harriet Tubman Park, Waterfront Park and Johnny Appleseed Park”. The amendment was adopted.

Mr. Swan then moved to amend the bill in section 2A by adding at the end of item 2800-7097 the following: “; provided further, that not less than \$1,500,000 shall be expended for the rehabilitation, and cleanup of Lake Massasoit in Springfield”. The amendment was adopted.

Mr. Swan of Springfield then moved to amend the bill in section 2A by adding at the end of item 2200-7015 (inserted by amendment) the following: “; provided further, that \$1,000,000 shall be expended to cleanup and renovate the Old Mason Square Fire House in Springfield in order for public use”. The amendment was adopted.

Ms. Stanley of West Newbury then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that no less than \$250,000 shall be expended to provide a well and irrigation system, as well as improve athletic fields and associated structures at the Bagnall Elementary School in the town of Groveland”. The amendment was adopted.

Mr. Swan of Springfield then moved that the bill be amended in section 2A by adding at the end of item 2000-7018 the following: “; provided further, that not less than \$1,500,000 shall be expended for the clean-up of the Mill River in Springfield”. The amendment was adopted.

Mr. Casey of Winchester then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided that \$2,500,000 shall be expended to examine and implement proposed flood mitigation projects along the Aberjona River and Mystic Lakes in the Town of Winchester”; and in said item by striking out the figures “\$32,000,000” (inserted by amendment) and inserting in place thereof the figures “\$34,000,000”. The amendments were adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided that \$250,000 shall be expended for repairs and renovations to the Hall

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Memorial Swimming and Wading Pool in the Town of Stoneham” ; and in said item by striking out the figures “\$220,200,000” (inserted by amendment) and inserting in place thereof the figures “\$220,950,000”. The amendments were adopted.

Mr. Donato of Medford then moved to amend the bill in section 2A, in item 2000-7025, in line 43, by striking out the figures “\$100,000” and inserting in place thereof the figures “\$200,000”. The amendment was adopted.

Representatives Richardson of Framingham and Sannicandro of Ashland then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further, that not less than \$2,500,000 shall be expended for the Town of Framingham to purchase the development rites for land on the Nobscot Scout Reservation for historic preservation and environmental protection”. The amendment was adopted.

Mr. Quinn of Dartmouth then moved to amend the bill in section 2A by adding at the end of item 2800-7097 the following: “; provided further that not less than \$600,000 shall be expended for the dredging of Apponagansett Bay in the town of Dartmouth”. The amendment was adopted.

Representatives Poirier of North Attleboro and Flanagan of Leominster then moved to amend the bill by adding the following two sections:

SECTION 20. Chapter 94B of the General Laws is hereby amended by adding the following section:-

Section 23. (a) For the purposes of this section the term ‘children’s leaded jewelry’, shall mean jewelry marketed to or intended for use by children 12 years of age or younger that contains a concentration of lead that has more than 600 parts per million total lead content as of June 1, 2009, more than 300 parts per million total lead content as of June 1, 2010 and 100 parts per million total lead content as of June 1, 2012 as determined by the United States Consumer Product Safety Commission’s, hereinafter referred to as ‘CPSC’, screening test for total lead analysis based on the Canada Product Safety Bureau Method or similar methods subject to approval by the department, or would expose a child to greater than 90 micrograms of lead per day over a chronic exposure period as determined by the CPSC acid extraction test. Children’s leaded jewelry includes jewelry manufactured, shipped, or sold at retail or wholesale, indoors or outdoors, over the internet or through catalogs, and includes but is not limited to jewelry (1) sold in: (i) vending machines, (ii) toy stores or (iii) toy displays, toy departments or toy sections or (2) that may use images or otherwise be designed or packaged to be especially attractive to children.

(b) The commissioner shall treat any children’s leaded jewelry as a banned hazardous substance under this chapter.

(c) Wholesalers and retailers of children’s jewelry shall maintain documentation that such jewelry has been tested using the CPSC lead screening test and the CPSC acid extraction test or similar methods subject to approval by the department. The documentation shall be in the format and contain information required by protocols established by the department, and shall be made available to the department and consumers upon request.

(d) The commissioner shall promulgate rules and regulations to carry out the purposes of this section or to facilitate compliance therewith. Except for emergency regulations adopted pursuant to section 2 of chapter 30A, any regulation, as defined in section 1 of said chapter 30A, or any amendment or repeal of any such regulation adopted by the commissioner pursuant to this section, shall, after compliance with all applicable provisions of said chapter 30A, except section 5, be submitted to the general court. Said commissioner shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter 30A, except section 5 have been complied with. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on consumer protection and professional licensure. Within 30 days after such referral, said committee may hold a public hearing on the regulations and shall issue a report to said commissioner. Said report shall contain any proposed changes to the regulations voted upon by the committee. The commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of

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said report and shall file with the chairmen of said consumer protection and professional licensure its final regulations. If the final regulations do not contain the changes proposed by the committee, the commissioner shall send a letter to the committee accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not earlier than 45 days after the filing of such letter and final regulations with the said committee, said commissioner shall file the final regulations with the state secretary as provided in section 5 of said chapter 30A and said regulations shall thereupon take effect. If no such proposed changes to the regulations are made to the commissioner within 60 days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the commissioner may file the final regulations with the state secretary as provided in section 5 of said chapter 30A and said regulations shall thereupon take effect.

SECTION 21. This act shall take effect June 1, 2009.”.

The amendment was adopted.

Mr. Rice of Gardner then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$100,000 shall be expended for engineering and repairs to municipally-owned dams in the town of Ashburnham”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$200,000 shall be expended for mechanical systems upgrades, including heating and air conditioning systems, to the Gardner Heritage State Park Visitors Center”. The amendment was adopted.

Mr. Rice then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$200,000 shall be expended for Phase V engineering and design for the North Central Pathway Project in Gardner and Winchendon”. The amendment was adopted.

Mr. Rice of Gardner then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$50,000 shall be expended for repairs to the Sunset Lake Dam (Millers River) in the town of Ashburnham”. The amendment was rejected.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$500,000 shall be expended for repairs to the Wallace Pond Dam, Old Saw Mill Pond Dam, and the Lathe Mill Dam in the town of Ashburnham”. The amendment was rejected.

Mr. Rice then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$250,000 shall be expended for repairs to the Wayside Pond Dam in the city of Gardner”. The amendment was adopted.

Mr. Rice of Gardner then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$1,000,000 shall be expended for repairs to the Whitney Pond Dam in Winchendon”. The amendment was adopted.

Mr. Donato of Medford then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further that \$250,000 shall be expended for the creation of park space bordering Clipper Ship Drive and the Mystic River in the city of Medford” ; and in said item by striking out the figures “\$31,650,000” and inserting in place thereof the figures “\$31,900,000”. The amendments were adopted.

Ms. L’Italien of Andover then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that \$500,000 shall be expended for drainage improvements on Frye Road in the City of Methuen”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that \$9,000 shall be expended for the installation of drainage on the pathway leading from the Franklin School to the Berkeley Road neighborhood in the Town of North Andover”. The amendment was adopted.

Mr. Hynes of Marshfield then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$150,000 shall be expended for the engineering and construction of open space on a parcel of land owned by the town of Marshfield located at the intersection of Ocean and Webster streets”. The amendment was adopted.

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Representatives Sannicandro of Ashland and Richardson of Framingham then moved to amend the bill in section 2A by adding at the end of item 2800-7017 the following: “; provided that not less than \$100,000 shall be expended for the Town of Ashland to for preservation, maintenance, and environmental protection of Lake Waushakum”. The amendment was adopted.

The same members then moved to amend the bill in section 2A by adding at the end of item 2300-7015 the following: “; provided further, that not less than \$100,000 shall be expended for the Town of Ashland for Sudbury River clean-up”. The amendment was adopted.

Representatives Eldridge of Acton and Atkins of Concord then moved to amend the bill in section 2A by adding at the end of item 2200-7011 the following: “; provided further that not less than \$1,000,000 shall be expended for sewer extensions in the Spencer/Tuttle /Flint area of the Town of Acton, otherwise referred to as Area 10 in the town’s CWRMP”. The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$700,000 shall be expended to the town of Bedford for the design and construction of the Vine Brook Culvert Project on Old Burlington Road and in said item by striking out the figures “\$57,500,000” (inserted by amendment) and inserting in place thereof the figures “\$55,700,000”. The amendments were adopted.

Mr. Petrolati of Ludlow being in the Chair,--

Mr. Quinn of Dartmouth then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$500,000 shall be expended for park and trail improvements in the town of Dartmouth”; and in said item by striking out the figures “\$55,700,000” (inserted by amendment) and inserting in place thereof the figures “\$55,500,000”. The amendments were adopted.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$500,000 be expended for lights and security cameras for the bike path in the Connecticut River Bike Path from the South End to the North End in the City of Springfield”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$250,000 be expended for lighting on Plainfield St in Kenefick Park in the City of Springfield”. The amendment was adopted.

Ms. Coakley-Rivera then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$1,500,000 be expended for the rehabilitation of the Springfield Riverfront Park”. The amendment was adopted.

Mr. Driscoll of Braintree then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$750,000 shall be expended for the dredging of the Fore River in the town of Braintree”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that \$1,000,000 shall be expended for the preservation of open space in the town of Braintree”. The amendment was rejected.

Mr. Driscoll then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$150,000 shall be expended for improvements to Smith Beach in the town of Braintree.” The amendment was adopted.

Mr. Driscoll of Braintree and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further that \$1,500,000 shall be expended for the construction of a wind turbine in the town of Braintree for the purpose of providing power to a new tri-town water treatment plant under the care, custody and control of the Tri-Town Board of Water Commissioners of Braintree, Holbrook and Randolph”. The amendment was adopted.

Mr. Driscoll and other members of the House then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that not less than \$200,000 shall be expended for the Randolph Salt Shed”. The amendment was adopted.

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Mr. Fernandes of Milford then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that no less than \$400,000 shall be expended to remove pesticide contamination on town-owned property in the town of Mendon”. The amendment was adopted.

Mr. Kennedy of Brockton and other members of the House then moved to amend the bill by adding at the end thereof the following section:

“SECTION 22. The City of Brockton which owns or operates a water or sewage treatment facility and releases the treated waste water into a public body of water including, but not limited to a river or stream, shall not be required to make available or sell the treated water from any such facility for reuse to any owner or operator of a combined cycle electric power generation facility with a generation capacity of 300 megawatts or more for the purpose of allowing the electric power generation facility to recycle and reuse the treated water for cooling and other industrial purposes.”.

The amendment was rejected.

Mr. Rush of Boston then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$400,000 shall be expended for the acquisition and clean up of 58 Beech Street for the purpose of constructing a community park in the area of West Roxbury in the city of Boston”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$2 Million shall be expended for the DCR to purchase property on the VFW Parkway, at the corner of Gardner St. for the purpose of constructing a parking lot for the Jim Roche Memorial Ice Rink and Harvey Beach”. The amendment was adopted.

Mr. Rush then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$1,500,000 shall be expended for the rehabilitation of Havey Beach in the area of West Roxbury in the city of Boston”. The amendment was adopted.

Mr. Rush of Boston then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$5 Million shall be expended for the DCR to purchase Kesseler Woods in the City of Newton”. The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided, that \$100,000 be expended for the planning, engineering and permitting for a public boathouse and rowing facility to be constructed on the Connecticut River in the city of Northampton”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided ,that \$50,000 be expended for the planning, engineering and construction of public playing fields in the town of Southampton”. The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill by adding the following two sections:

“SECTION 22. Chapter 29 of the General Laws is hereby amended by inserting after section 2JJJ the following section:-

Section 2KKL. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Connecticut River Boathouse and Rowing Facility Construction Fund, the funds of which shall be expended by the executive office of energy and environmental affairs to develop a public rowing and regatta center on the Connecticut River in the city of Northampton on land under the care and custody of the department of conservation and recreation. Said department shall establish a memorandum of understanding with the city of Northampton, Northampton Youth and Community Rowing, Inc., the University of Massachusetts at Amherst and the department of conservation and recreation to construct the facility, establish a governing body to oversee its operations, to lease portions of the facility to appropriate users and to promote youth and adult rowing teams and events for all ages, provided, that the operational costs of said facility shall be not be paid by the Commonwealth.

The Connecticut River Boathouse and Rowing Facility Construction Fund shall receive monies from: (1) gifts, grants, appropriations and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3) any interest earned from the fund; and (4) the proceeds of special obligation bond sales by the commonwealth, denoted as the Connecticut River Boathouse and Rowing Facility Construction Loan Act of 2009. The state treasurer shall receive, deposit and invest funds held in

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such a manner as to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor. The executive office of energy and environmental affairs may expend such funds, in addition to appropriation, and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year. The commissioner of said division shall report annually to the house and senate committees on ways and means and the joint committee on the environment, natural resources and agriculture on income received into the fund and the sources of that income, any expenditure from the fund and their purposes and fund balances.

SECTION 23. To meet a portion of the expenditures necessary in carrying out the provisions of section 2KKL of chapter 29 of the General Laws, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$10,000,000 to be in addition to those bonds previously authorized and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Commonwealth of Massachusetts and the executive office of energy and environmental affairs Connecticut River Boathouse and Rowing Facility Loan Act of 2009, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2029. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.”.

The amendment was rejected.

Mr. Kocot of Northampton then moved to amend the bill in section 2A by adding at the end of item 0526-2010 the following:”; provided , that \$20,000 be expended for the Northampton St. Patrick’s Association in coordination with the Halligan-Daley Commemoration Committee for the study, preparation of plans, site maintenance and access improvements at the Halligan-Daley Memorial site located in the city of Northampton”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2300-7011 the following: “; provided, that \$50,000 be expended for the oversight and the enhancement of public safety and law enforcement on property owned by the city of Westfield located in the town of Montgomery”. The amendment was adopted.

Mr. Kocot then moved to amend the bill in section 2A by adding at the end of item 2000-7015 the following: “; provided, that \$100,000 be expended for the acquisition of wooded land to be used for conservation and passive recreation in the North Street neighborhood of the city of Northampton, provided that the abutters of said property provide matching funds for said acquisition”. The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided, that \$75,000 be expended for the planning and engineering of an outdoor sports visitors center on the Oxbow section of the Connecticut River in the city of Northampton to enhance recreational opportunities”. The amendment was rejected.

The same member then moved to amend the bill in section 2A by adding at the end of item 2300-7013 the following: “; provided ,that \$250,000 be expended for the protection and conservation of northern right whales and sea turtles in Massachusetts waters”. The amendment was adopted.

Mr. Kocot then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided, that \$250,000 be expended for the planning, engineering and removal of the Roberts Meadow Dam located in the Leeds section of the city of Northampton”. The amendment was rejected.

Ms. Walz of Boston then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided further, that not less than \$4,000,000 be spent for the design and construction of a pedestrian bridge spanning the tracks at North Station along the southerly bank of the lower Charles River Basin in Boston”. The amendment was adopted.

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The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$3,700,000 be spent for the Community Boating Facility Pier Construction Project”. The amendment was adopted.

Mr. Rush of Boston then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that \$400,000 shall be expended for the acquisition and clean up of 58 Beach Street in the area of West Roxbury in the city of Boston”. The amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill in section 2A by adding at the end of item 2000-7025 the following: “; provided further that \$100,000 shall be expended for the construction of a wind turbine at Winchester High School in the Town of Winchester”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further that \$200,000 shall be expended for the construction of a footbridge adjacent to the Wedgemere Commuter Rail Station in the Town of Winchester”. The amendment was adopted.

Mr. Casey then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that \$3,500,000 shall be expended for the construction of phase two of the Mystic Valley Parkway in the town of Arlington”. The amendment was adopted.

Mr. Casey of Winchester then moved to amend the bill in section 2A by adding at the end of item 2200-7013 the following: “; provided that \$250,000 shall be expended for improvements to the Transfer Station in the Town of Winchester”. The amendment was adopted.

Mr. Smizik of Brookline then moved to amend the bill by adding the following two section:  
“SECTION 22. Section 14 of chapter 61A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 11, the words ‘forest use of’ and inserting in place thereof the following words:- agricultural or horticultural use of such.

SECTION 23. Section 9 of chapter 61B of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “forest use of such land” and inserting in place thereof the following words:- use and care of such land for recreational purposes.

The amendment was adopted.

Mr. DiNatale of Fitchburg then moved to amend the bill in section 2A by adding at the end of item 2800-7014 the following: “; provided further, that not less than \$150,000 shall be expended for the Crocker Field Restoration projects in the city of Fitchburg”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7014 the the following: “; provided further, that not less than \$80,000 shall be expended for a study of the Mirror Lake Dam at Coggshall Park in the city of Fitchburg”. The amendment was adopted.

Mr. DiNatale then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less then \$250,000 shall be expended for the Steamline Trail wall repair project in the city of Fitchburg”. The amendment was adopted.

Mr. Ayers of Quincy then moved to amend the bill in section 2A by adding at the end of item 2800-7015 the following: “; provided further, that not less than \$200,000 for the Squantum Marsh Restoration Project to be allocated by the City of Quincy”. The amendment was rejected.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7015 the following: “; provided further, that no less than \$200,000 for the Quincy Park and Forestry Department to be allocated for the purpose of city tree plantings in the City of Quincy”. The amendment was adopted.

Mr. Ayers then moved to amend the bill in section 2A by adding at the end of item 2000-7015 by adding the following: “; provided further that no less than \$10,000 for the Wollaston Garden Club for the purposes of environmental beautification project in the City of Quincy”. The amendment was adopted.

Mr. Ayers of Quincy then moved to amend the bill in section 2A by adding at the end of item 2000-7015 the following: “; provided further that no less than \$10,000 to the Squantum Seaside Gardeners for the purposes of environmental beautification projects in the City of Quincy”. The amendment was adopted.

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The same member then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided further that no less than \$800,000 for the dredging of Squantum and Wollaston Yacht Club emergency boat access in Wollaston Beach, Quincy”. The amendment was rejected.

Mr. Ayers then moved to amend the bill in section 2A by adding at the end of item 2800-7015 the following: “; provided further that no less than \$200,000 for the City of Quincy restoration projects for the Wollaston Sailors Pond and the Montclair Bog”. The amendment was adopted.

Mr. Ayers of Quincy then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided further that no less than \$20,000 for the “Friends of Wollaston Beach” for the environmental beautification and maintenance of Wollaston Beach in the City of Quincy”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that no less than \$50,000 to the Quincy Environmental Network for supporting environmental education and initiatives in the Quincy schools in the City of Quincy”. The amendment was adopted.

Mr. Ayers then moved to amend the bill in section 2A by adding at the end of item 2000-7015 by adding the following: “; provided further that no less than \$10,000 for the Wollaston Garden Club for the purposes of environmental beautification project in the City of Quincy”. The amendment was adopted.

Mr. Bradley of Hingham and other members of the House then moved to amend the bill in section 2A by inserting after item 0620-2000 the following item:

“0620-2050	For the water pollution abatement trust grandfathered drinking water revolving fund established by Chapter 78 of the Acts of 1998, to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by the municipalities and other eligible borrowers after January 1, 1992, to finance the costs, including interest, of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by the department, on or before the promulgation date of the department’s regulations related to the implementation of the federal Safe Drinking Water Act .....	\$42,342,660.
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The amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill in section 2A by adding at the end of item 2840-7014 by inserting at the end thereof the following: “provided further, that \$250,000 shall be expended for improvements to Prospect Hill Park in Waltham”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that \$250,000 shall be expended for the extension of the Wayside Rail Trail in the city of Waltham”. The amendment was adopted.

Mr. Stanley then moved that the bill be amended in section 2A by adding at the end of item 2800-7015 the following: “; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles river in Waltham”. The amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that \$100,000 shall be expended for the maintenance and enhancement of Hardy pond in the city of Waltham”. The amendment was adopted.

Mr. Timilty of Milton then moved to amend the bill in section 2A by adding at the end of item 2200-7011 the following: “; provided further, that not less than \$150,000 shall be expended for identification and remediation of pollution sources for the Unquity Brook in the town of Milton”. The amendment was adopted.

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The same member then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided further, that not less than \$30,000 shall be expended on Turner’s Pond in Milton to prevent run off at Central Ave”. The amendment was adopted.

Mr. Timilty then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$30,000 shall be expended for well-water installation at Gile Rd. facility in Milton”. The amendment was adopted.

Mr. Timilty of Milton then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$250,000 shall be expended for athletic fields in Milton”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$250,000 shall be expended for repair and renovation for the Ulin Rink in Milton”. The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$1,166,500 shall be expended to Marion’s Camp and the Mumford Riverwalk Recreation Project”. The amendment was rejected.

The same member then moved to amend the bill in section 2A by adding at the end of item 2800-7011, the following: “; provided further that not less than \$100,000 shall be expended to the Udor Tower Conservation Project in the town of Millville”. The amendment was adopted.

Ms. Callahan then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that not less than \$250,000 shall be expended for the Caryville Mill site along the Charles River Watershed Area for decontamination services”. The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill in section 2A by adding at the end of item 2800-7016 the following: “; provided further, that not less than \$250,000 shall be expended for the repair of canal wall of the John Whittin Pond sluiceway on Crown and Eagle Way”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$250,000 shall be expended for the Bellingham Rail-to-Trail Bikeway”. The amendment was adopted.

Ms. Callahan then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$250,000 shall be expended to Marion’s Camp and the Mumford Riverwalk Recreation Project”. The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that not less than \$250,000 shall be expended to the Mumford Riverwalk Recreation Project”. The amendment was adopted.

Ms. Haddad of Somerset then moved to amend the bill in section 2A, in item 2000-7025, in lines 45, 46 and 47, by striking out the words “and provided that said grant may also be used as the town’s share of the Massachusetts School Building Authority program”. The amendment was adopted.

Mr. Swan of Springfield then moved to amend the bill in section 2A by adding at the end of item 2800-7011 the following: “; provided further that not less than \$2,000,000 shall be expanding for the repair and upgrading of dams in the city of Springfield”. The amendment was adopted.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; and provided further, that no less than \$200,000 be expended for the renovation of Liberty Heights Park in the City of Springfield”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; and provided further, that no less than \$1,000,000 be expended for erosion damage in Forest Park in the City of Springfield”. The amendment was adopted.

Mr. Cabral of New Bedford then moved that the bill be amended in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$1 million shall be expended for the restoration and rehabilitation of existing structures at Hazelwood Park in the City of New Bedford”. The amendment was adopted.

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Mr. Kujawski of Webster then moved to amend the bill in section 2A by adding at the end of item 2300-7016 the following: “; provided further, that \$2,000,000 shall be expended for sediment control in Lake Webster”. The amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that no less than \$50,000 to the Waltham Land Trust for supporting environmental education and initiatives in the Waltham Schools in the City of Waltham”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further, that no less than \$10,000 for the Waltham Garden Club for the purposes of environmental beautification project in the City of Waltham.” The amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill in section 2B by adding at the end of item 2890-7010 the following: “; provided further, that \$2,000,000 shall be expended for the restoration of the main access road in the Mount Tom State Reservation in Holyoke”. The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 2000-7014 the following: “; provided further, that \$250,000. shall be expended for the restoration of the Bonin Field in Holyoke”. The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 15, in line 10, by striking out item number “, 2200-8969”; and the amendment was adopted.

Mr. Brownsberger of Belmont then moved to amend the bill by inserting after section 14 the following section:

“SECTION 14A. (a) In this section, the term ‘Silver Maple Forest’ shall refer to a property also known as the Belmont Uplands and comprised of Parcel 40-1 on the assessors’ map of the Town of Belmont and an adjoining triangular parcel in the City of Cambridge.

(b) Notwithstanding sections 40F to 40J of chapter 7 of the General Laws or any other general or special law to the contrary, the department of conservation and recreation may acquire, by deed, easement, restriction, covenant or condition, but not through eminent domain, the Silver Maple Forest.

(c) Within 90 days of the effective date of this act, the Commissioner of the Department of Conservation and Recreation (‘the commissioner’) shall conduct an appraisal of the fair market value of the Silver Maple Forest.

(d) Within 120 days of the effective date of this act, the commissioner shall determine an amount that the Commonwealth may allocate from any lawfully available funds for the purpose of acquiring the Silver Maple Forest. This amount shall be referred to as ‘the state contribution’.

(e) Upon determining the state contribution, the commissioner shall inform the Board of Selectman in Belmont, the Board of Selectmen in Arlington and the City Council of Cambridge, in this section called the local authorities, of the results of the appraisal and the amount of the state contribution, if any.

(f) Within 120 days of the transmittal by the commissioner, the local authorities shall each certify, in language to be determined by the commissioner, the amount of funds under their control which are available for contribution towards the cost of the acquisition of the Silver Maple Forest by the commissioner. Said funds may include funds lawfully appropriated by the appropriating bodies in Arlington, Belmont and Cambridge and may also include private funds received by or on behalf of the local authorities and held in escrow for application towards the acquisition.

(g) If the amount of said funds so certified equals or exceeds the difference between the appraised fair market value of the property and the state contribution, and if the owner of the property enters into an agreement to convey the property for conservation purposes, the commissioner shall forthwith direct the local authorities to provide said funds, and upon receipt of said funds shall forthwith consummate the acquisition; provided, however, that any deed conveying said parcel shall contain the restriction required pursuant to subsection (h). If the amount of funds received does not equal or exceed said difference, this section shall become null and void.

(h) Notwithstanding any general or special law to the contrary, the property described in subsection (a) shall be conveyed subject to a conservation restriction imposed pursuant to section 31 of chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat and passive public

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recreation and consistent purposes. Said conservation restriction, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for the owner, that lawfully exists and is recorded in the appropriate registry of deeds.”.

The amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill in section 2A by adding at the end of item 2840-7014 the following: “; provided further that not less than \$500,000 be expended for the Green Pond Boat Ramp in the town of Falmouth”. The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2A, in item 2000-7014, by striking out the figures “\$55,500,000” (inserted by amendment) and inserting in place thereof the figures “\$78,000,000”, in item 2000-7025, in lines 13 to 16, inclusive, by striking out the words “to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities through the Leading by Example program”, in lines 25 to 34, inclusive, by striking out the words “to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance for their development, permitting, and construction; and to otherwise provide technical and financial assistance, including the promotion of alternative energy resources and energy efficiency in support of policy initiatives”, and in said item by striking out the figures “\$31,900,000” (inserted by amendment) and inserting in place thereof the figures “\$29,150,000”, in item 2800-7011, by striking out the figures “\$76,000,000” and inserting in place thereof the figures “\$78,000,000”, in in item 2800-7016, by striking out the figures “\$34,000,000” (inserted by amendment) and inserting in place thereof the figures “\$56,500,000”, by inserting after item 2840-7017 the following item:

“9300-7010 For the Leading by Example Program, so-called, to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities; to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance for their development, permitting, and construction; and to otherwise provide technical and financial assistance, including the promotion of alternative energy resources and energy efficiency in support of policy initiatives .....\$2,500,000”, and

in item 2800-7097, in lines 13 to 16, inclusive, by striking out the following: “; provided further, that not less than \$3,500,000 shall be expended for the maintenance, repairs, and reconstruction of seawalls in the town of in the town of Beverly”; and in section 5, in line 5, by striking out the figures “\$1,288,680,000” and inserting in place thereof the figures “\$1,338,680,000”.

The amendments were adopted.

The Chair (Mr. Petrolati of Ludlow), then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 129 members voted in the affirmative and 24 in the negative.

**[See Yea and Nay No. 446 in Supplement.]**

Therefore Rule 1A was suspended.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following four sections:

“SECTION 24. Section 6 of chapter 62 of the General Laws, as most recently amended by chapter 63 of the acts of 2007, is hereby amended by inserting at the end thereof the following new subsection:-

(m) (1) As used in this subsection the following words shall have the following meanings:-

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‘Bargain sale,’ the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

“Certified land” or “certified lands,” an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

“Interest in real property,” any right in real property in the commonwealth, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

“Public or Private Conservation Agency,” the commonwealth, or any subdivision thereof, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

“Qualified donation,” a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

“Taxpayer,” a taxpayer subject to the income tax under this chapter.

(2) A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed \$50,000.

(3) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in subdivision (2) of this section, the taxpayer shall at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by said department, the taxpayer shall submit the appraisal itself.

(4) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent tax years.

(5) The tax credits provided by this subsection shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2010 and consecutive taxable years thereafter.

(6) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer’s federal income tax return for the same qualified donations of certified lands.

(7) Any taxpayer claiming a state income tax or excise tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for costs related to the same interest in certified lands.

(8) All or any tax credits which arise under this section from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member,

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partner, shareholder, or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

(9) All or any tax credits which arise under this chapter from the qualified donations of certified land by a married couple shall be used only if the spouses file a joint return, if both spouses are required to file Massachusetts income tax returns. If only one spouse is required to file a Massachusetts income tax return, that spouse may claim the credit allowed by this chapter on a separate return.

SECTION 25. Chapter 63 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following new section:-

Section 38U. (a) As used in this section the following words shall have the following meanings:-

“Bargain sale,” the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

“Certified land” or “certified lands,” an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

“Interest in real property,” any right in real property in the commonwealth, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

“Public or private conservation agency,” the commonwealth, or any subdivision thereof, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

“Qualified donation,” a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

“Taxpayer,” a taxpayer subject to the income tax under this chapter.

(b) Land Conveyed for Conservation Purposes. A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed fifty thousand dollars.

(c) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in subsection (b) of this section, the taxpayer shall at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by said department, the taxpayer shall submit the appraisal itself.

(d) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent taxable years.

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(e) The tax credits provided by this chapter shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2010 and consecutive taxable years thereafter.

(f) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer's federal income tax return for the same qualified donations of certified lands.

(g) Any taxpayer claiming a state income tax or excise tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for costs related to the same interest in certified lands.

(h) All or any tax credits which arise under this section from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

SECTION 26. (a) The secretary of the executive office of environmental affairs shall promulgate regulations that define land eligible for certification under this section 6 of chapter 62 and under section 38U of chapter 63. Regulations shall be promulgated within 180 days of passage of these sections.

(b) The secretary of environmental affairs, within five years of passage of this act, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, describing the certified lands conserved under section 6 of chapter 62 and section 38U of chapter 63.

(c) The commissioner of revenue, in consultation with the secretary of the executive office of environmental affairs, shall promulgate regulations to administer under section 6 of chapter 62 and section 38U of chapter 63. Such regulations shall include provisions to prevent the generation of multiple credits with respect to the same property. Regulations shall be promulgated within 180 days of passage of this act.

(d) The commissioner, within five years of passage of this act, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, calculating the annual tax savings under section 6 of chapter 62 and section 38U of chapter 63.

(e) There shall be a commission to study the transferability of tax credits under section 6 of chapter 62 and section 38U of chapter 63. The commission shall be composed of nine persons, including the commissioner of the department of agricultural resources, or his designee, who shall serve as chairman; the commissioner of the department of revenue, or his designee; one member of the house of representatives, to be appointed by the speaker of the house of representatives; one member of the house of representatives, to be appointed by the minority leader of the house of representatives; one member of the senate, to be appointed by the president of the senate; one member of the senate, to be appointed by the minority leader of the senate; a representative of the American Farmland Trust; a representative of the Massachusetts Audubon Society; a representative of The Nature Conservancy. The commission shall examine all aspects of transferability, including but not limited to: the status of its application in other states, potential fiscal impacts, and potential conservation benefits. The commission shall file a report of its findings and recommendations, including any drafts of legislation necessary to put its recommendations into effect, with the joint committee on revenue and joint committee on environment, natural resources and agriculture on or before January 1, 2011.

SECTION 27. Nothing in sections 24, 25, or 26 of this act shall be interpreted in any way to alter or amend any permitting requirements, reporting requirements, allocation procedures, or other requirements set forth in any other provision of the general laws.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call (Mr. Donato of Medford being in the Chair) 153 members voted in the affirmative and 0 in the negative.

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**[See Yea and Nay No. 447 in Supplement.]**

Therefore the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 448 in Supplement.]**

Therefore the bill (House, No. 5005, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at thirteen minutes before ten o'clock P.M., on motion of Mr. Rogers of Norwood (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.

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